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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,448

03/18/2005

Masahiro Muramatsu

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EXAMINER

SHALLENBERGER, JULIE A

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/528,448	Applicant(s) MURAMATSU, MASAHIRO	
	Examiner Julie A. Shallenberger	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 & 16-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-9 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Salmon (5,406,303).

Salmon teaches a dial module comprising a sheet shaped dial (30 & 28) with a design part (46, 48, 50, and 52) (see col. 7 lines 51-63) formed directly on the front face (cl. 7 - figure 6) of sheet-shaped light source 26 fixed to the back surface of the dial (figure 3-4) for illuminating the design part, a flexible printed circuit board 24 (col. 7 lines 16-17) fixed directly on the back surface of the light source, a terminal part 138 (cl. 8 - figure 3) for attaching an additional component thereto (motors 22), and the dial, light source, and circuit board are substantially the same shape (cls. 4 & 6 - figures 2-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon in view of Garay (6,183,099).

Salmon teaches the invention described above, but lacks the teaching of an electroluminescent light source.

Garay teaches the use of an electroluminescent light source for illuminating a dial (col. 1 lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electroluminescent light source in place of the fiber optic light source taught by Salmon in order to provide a more uniform light distribution for backlighting the dial.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salmon in view of Kumazawa (6,333,697).

Salmon teaches the invention described above, but lacks the teaching of a frame board in front of the dial, front glass in front of the frame board, and a casing arranged in the rear of the dial for fixing the dial between the frame board and casing.

Kumazawa teaches a frame board 60 in front of a dial 30, front glass 142 in front of the frame board, and a casing 10 arranged in the rear of the dial for fixing the dial between the frame board and casing (see figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the frame board, casing, and glass taught by Kumazawa in the dial display of Salmon in order to provide better structural arrangement in order to prevent complications from various shock and vibration disruptions.

Response to Arguments

Applicant's arguments filed 10/10/07 have been fully considered but they are not persuasive.

The amendments do not overcome the art of record.

Salmon teaches a dial 30 with a design part (46, 48, 50, and 52) on its front surface (figures 4 and 6), a sheet-shaped light source for illuminating the design part, a flexible printed circuit board fixed to the back surface of the light source wherein the dial is formed directly on the front surface of the light source.

The support 28 is part of the dial layer 30 (for providing the dial a more rigid structure) and holes 42 expose the dial(s) to the light source. Therefore the sheet shaped light source 26 is fixed to the back of the surface of the sheet shaped dial(s). Also the flexible printed circuit board 24 is fixed on the back surface of the sheet shaped light source 26 (see figures 2-4).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the dial, light source and flexible printed circuit board not being separate parts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments that Salmon failed to disclose individually, or suggest in combination, a dial part formed directly on a sheet shaped light source and a flexible printed circuit board formed directly on the back of the sheet shaped light source, the applicant is respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004). In this case,

Furthermore, the applicant is advised that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the dial, light source and flexible printed circuit board integral, since it has been held that forming in one piece a structure which has formerly been formed in two, or more pieces, involves only routine skill in the art. *In re Larson*, 144 USPQ 347, 349 (CCPA 1965).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS
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JONG-SUK (JAMES) LEE
SUPERVISORY PATENT EXAMINER